



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618
Phone 617-727-0660
Fax 617-727-0665

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

www.mass.gov/dps

Board Meeting – May 21, 2012

21st Floor – Conference Room 1

Present Board Members:

- Andrew Bedar, Member (AB)
- Mark Trivett, Acting Chair (MT)
- Carol Steinberg, Member (CS)
- Myra Berloff, Massachusetts Office on Disability Designee (MB)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Gerald LeBlanc, Member (GL)
- Donald Lang, Chair (DL)
- Diane McLeod, Vice Chair (DM)
- Walter White, Executive Office of Public Safety Designee (WW)

1) **Incoming Discussion:** Steve's Restaurant, 316 Newbury St., Boston (V12-121)

- TH
- originally presented on 5/7/12
 - have since met with the owners
 - spending at the restaurant is \$41,500.00, and copies of the contracts, submitted in affidavit
 - no requirement for accessible entrance
 - minor modifications
 - want relief on the dimension of the bathroom

- loss of 10 seats if have to comply in full

MB - how many steps into the building?

TH - 4, but no jurisdiction

- won't work for a wheelchair user, so dimensions for w/c user not required, but grab bars will be helpful

MB - grant on the condition that grab bars are provided and that the toilet is 16-18 inches from the side wall and the height of the toilet, based on excessive cost without benefit to persons with disabilities

CS - Second – carries

MB - statement on the decision to further clarify that we have learned that the restaurant had a stop work order had been issued, until this decision had been made by the Board, but that order was not initiated by this Board; this was acted on in a timely manner as to not impact the business

CS - second – carries

*** Donald Lang, Chair (DL) – Now Present

*** Walter White, Executive Office of Public Safety Designee (WW) – Now Present

2) Incoming: Tedeschi Food Store, 1 First St., Charlestown (V12-124)

TH - EXHIBIT – variance application

- seeking variance to install an incline lift, ramp that previously served the area was removed

- notes on the plan say that the general contractor should install the lift

- \$104,852.00 spent, \$599,500.00 value

MB - did they say why they took the ramp out?

TH - no, and 50% done

MB - deny

AB - second – carries

MB - issue stop work order on installation of the lift

MT - second – carries

3) Incoming Discussion: 541 Mass. Ave., Acton (V12-048)

TH - already denied the variance and scheduled a hearing for June 18th

- owner met with the commission and the commission now supports the variance for the lack of access to the second floor

- first floor is a restaurant, and the second floor will be rented to small office space

- next door there is a community building (537 Mass. Ave.) the same owner owns, can be scheduled to meet with one of the second floor tenants if need be

- one large 1000 square foot space
- space is affected by the pitch of the roof
- spent over 30% renovating the building
- 3 scenarios, all where clients of the second floor tenant spaces can be served at the community room conference room or at the client's home

MB - all of those examples are those that we struggle with on an individual basis

CS - who is in the conference room on a regular basis, is it just open on a regular basis, or used constantly
 - would like to know more about the availability of the space

TH - the space is newly constructed, with an adjacent accessible toilet room

CS - not occupied?

TH - no
 - there will also be lease language added

MB - certain services that this would work ok for; lawyer, accountant, etc.
 - wouldn't work for a massage

*** Gerald LeBlanc, Member (GL) – Now Present

TH - could ask the owner to let the Board know what the proposed tenant use will be
 - very tiny building, accessible restaurant at the first floor

WW - *grant, as proposed*

MT - *second – carries, with MB and CS opposed and RG abstaining*

CS - *propose amendments to make the motion conditional upon the fact that the conference room is made available when required, with the same services provided in that conference room, for this use only, file with registry within 60 days; and cancel the hearing*

MB - *substantially the same mode of delivery; CS – accept*

AB - *second – carries with GL abstaining*

4) Discussion: 154 Maverick St., East Boston (V10-180)

TH - decision issued in 2010 from hearing
 - we were going to submit letter of support to plumbing board and elevator board, regarding use of unisex toilet room, and height traveled by the proposed vertical wheelchair lift
 - received an email on May 11, 2012; stating that the property has finally been purchased, seeking an extension past the previously issued 2013 deadline; seeking 2 years more to install the lift
 - they haven't applied to either the plumbing board and elevator board

CS - deny the extension request, and reaffirm the date for compliance of March 1, 2013;

MB - second – carries

MB - submit the required status reports as ordered or fine hearing scheduled

CS - second – carries

5) Incoming: Beantown Bed and Biscuit, 308-312 Harvard St., Brookline (V12-122)

- TH - EXHIBIT – application
- tenant build-out below grade
 - dog boarding and boutique
 - spending over value of the tenant space
 - proposing no lift to the space
 - they proposed home pick-up

CS - deny

MB - second - carries

6) Discussion: Isabella Stewart Gardner Museum, 270 The Fenway, Boston (V12-031)

- TH - complaint filed by a woman that had reserved seats in the new building, balcony seating area for the theater
- lift provided in a secure, locked area to access the upper floors of the auditorium
 - they believe that they were entitled to use a lift under 28.12.1b of 521 CMR
 - viewing position line of sight

MB - find in favor of the complainant

WW - second – carries with CS opposed

MT - plan for compliance or a variance application within 30 days receipt of the stipulated order

GL - second - carries

7) Discussion: MassDOT District 2 Facilities Building, 818 North King St., Northampton (V10-206)

- TH - extension of time for the project
- received on Friday
 - deadline for compliance was set for 8/15/12
 - submit timeline of work that has been completed
 - just an update of the work done thus far, attempting to meet the deadline

8) Incoming: Middlesex Savings Bank, 260-278 Washington St., Wellesley Hills (V12-126)

- TH - EXHIBIT – variance application

- conversion of a third of the space that was previously a whole foods market
- seeking a temporary CO, because final inspection by elevator inspector may not be done by the time that the property is proposed to be open

CS - grant a temporary CO until the inspection of the lift
WW - second
MB - propose a date, by July 1, 2012
CS - accept July 1, 2012 deadline for lift to be inspected and operational
- carries

9) Incoming Discussion: Residential Building, 3-9 Columbia Terrace, Cambridge (V12-106)

- TH - Previously presented to the Board
- denied variance to maintain the key
 - now proposing to use a fob to operate the lift

CS - grant as proposed
AB - second – carries

10) Discussion: Youth with a Mission, 374 Broadway, Somerville (V11-188)

- TH - Previously approved Petitioners May 1, 2012 amendment
- seeking a 2 year time variance for the installation of the lift

MB - grant the time variance for lift installed by June 1, 2014
MT - second – carries (reiterate last sentence of previous decision)

11) Incoming: 116 New Residential Units, 30-50 Mill St., Arlington (V12-109)

- TH - EXHIBIT – variance application
- 1 level of above grade parking, with 4 levels of residential units above
 - seeking sink variances, with language in the lease, compliant sinks in stock at no cost to the tenant

MB - grant as proposed
AB - second – carries

12) Incoming: Press Box, 2540 Boston Rd., Wilbraham (V12-123)

- TH - EXHIBIT – variance application
- new press box 10-12 feet above the ground
 - seeking to provide no vertical access

MB - deny
CS - second - carries

13) Advisory Opinion: New TD Bank, Acton

- TH - penny arcade for the kids at the bank
 - temporary CO currently issued
 - step up platform

MB - shut down the penny arcade until it is accessible

WW - second - carries

14) Advisory Opinion: New TD Bank, Acton

MB - put a barrier around the penny arcade (partitioned off);

CS - second - carries

- TH - should it be required forward reach or side reach?
 - design should be reviewed by the Board

CS - design of new arcade needs to be reviewed by this Board

AB - second - carries

15) Incoming: Curb Cut at Central and Albion St., Somerville (C10-178 & V12-125)

- TH - variance submitted based on complaint
 - shared curb cut, south side of curb cut has a 6.8% cross slope; other is 3.6% (2% required)
 - apex curb cut was used and not contained within the Albion St. crosswalk

MB - continue to conduct site visit

GL - second - carries

16) Advisory Opinion: Icon Architecture, Light switches and outlets

- TH - currently an advisory opinion on the web, about light switches near the entry door way, not required to be 18 inches from the corner

MB - relief from something is a requirement in federal law, could be creating confusion

- TH - outlets on counters, electrical code requires outlets spaced 2 feet apart; outlets in the corner based on this requirement

MB - put the outlet 6 inches from the corner, put it in the right place
 - double-check federal regs again

MB - continue to double check ADA on both questions

MT - second – carries

17) Discussion: Cases on Nantucket Island, Cru Restaurant, 1 Straight Wharf and Met on Main, Main St.

- TH - possible triggering of 521 CMR 3.2, inspector feels that the work does go over 30%
 - question about fixed furniture and equipments adding to the overall cost allotted to the 30% of the property
- DL - cannot get a CO without 3 bay sink, stove, etc., those are required to occupy the space; regulated by building code; flooring, knee clearances for tables;
- TH - cost of furniture and equipment valued toward the overall spending
- DL - these items are required for occupancy and required by code
- TH - section 3.3 says “or so determined by a state or local inspector”;
- MB - furnishings, fixtures, equipment, all included in the cost of construction, all required for occupancy of the space; not art work or decorations*
- WW - second –carries*

18) Discussion: The Armory, 191 Highland Ave., Somerville (C10-059 & V09-197)

- TH - first payment due October 1, 2012; issued a check today for a third of the fines as required

19) Incoming Discussion: Colonial Hotel, 625 Betty Spring Rd., Gardner (V12-084)

- TH - looked at it a second time on May 7th
 - received a plan and exterior photo, but the notes on the plan lead to other questions
 - they were seeking relief to a door that comes out to a new addition of the building
 - unsure of use
 - notation about tents?
- AB - continue*
- GL - second –carries with RG not present*

20) Discussion: Villa Victoria Center for the Arts, 85 West Newton St., Boston (V09-175)

- TH - third status report for compliance updates regarding access to the toilet rooms and the stage
 - bar and main floor of performance center at first floor are accessible
 - proposing to complete the work by the end of August 2012
- CS - honored there Friday night and there were tables on the stage and at the balcony
- TH - if the building was filled to capacity then that was overflow
- CS - no temporary ramp provided
 - ground floor ceremony

21) Hearing: Moozy Emporium, 2 Trapelo Rd., Belmont (V12-032)

- DL - called to order at 11:20 a.m., scheduled for 11 a.m.
 - introduce the Board

Norton Remmer, Consultant for the owner (NR)

Carole Williams, Advocate (CW)

DL - all sworn in
- EXHIBIT 1 – AAB1-39

TH - May 17, 2012 received document from NR regarding proposed permanent ramp to the space
DL - accept as EXHIBIT 2

RG - incorrectly listed as Chair as of the Commission for Belmont; not even on the Commission
- the commission is now defunct

No objection to RG sitting

TH - front entrance was torn up and reconstructed with a step, no access provided
- previously proposed portable ramp and buzzer proposed
- pinches at the top of the ramp to the landing

GL - when will be it be done

NR - would like to postpone until the end of September 2012;
- they have a temporary ramp currently, and committed to the installation of the permanent ramp to do the construction

DL - how long to complete?
NR - a couple of weeks to complete

CW - no temporary ramp
- a 16" railing is provided at the front door
- photo submitted, taken yesterday afternoon
DL - accept picture as EXHIBIT 3
- looks like a grab bar

NR - did not see the ramp on site

TH - within 60 days receipt of the Notice of Action provide the portable ramp and the buzzer called out in the Notice of Action (AAB4)

CW - don't understand the delay for construction

DL - EXHIBIT 4, picture of the building submitted by CW

NR - outdoor seating, when at the property on Thursday, kids running everywhere

DL - what time do these close?
- they could work off hours?

MB - accept the proposed ramp plan (5/17/12 – A1), work completed by June 21, 2012

GL - second

*RG - no curb cut? CW - curb cut at the light
- do the work prior to the summer months if possible
- carries*

NR - ramp as shown, with the pinched point is accepted
Board – yes

MB - expedite

WW - second - carries

22) Advisory Opinion: Garage bumps at I-beam joints in an underground garage

TH - 2 feet wide, 2 inches high, 1/12 slope across the beam; speed bump

WW - total width is 6 feet, 2 inches high

WW - meets the exception of the code, complies

MT - second - carries

23) Advisory Opinion: Stable at the Mount, 2 Plunkett St., Lenox

TH - proposed product

- grass pavers

- around the building they have routes that come from the accessible parking; first floor entrance route

- can buy it with a highlighted yellow edge

MB - comparable to a hard packed surface

DL - what about when it snows?

TH - this provides routes to the building

WW - more information about delineation and if the building is not open in the winter

MB - this material can be used to provide an accessible route, provided that there is delineation showing where the material is located; and that this works for 3 out of 4 seasons, will not work in the winter, will work when there is no snow

WW - second - carries

24) Hearing: Citizens Bank, 30 Brattle St., Cambridge (V12-051)

DL - called to order at 1:00 p.m.

- introduce the Board

Michael Muehe, Executive Director Cambridge Disability Commission (MM)

Fred Clark, DRL Architects (FC)

John Bush, RBS/Citizens (JB)

Jean Brammer, RBS/Citizens (JBr)

David Howe, RBS/Citizens (DH)

Richard Getz, RGA Management (RG)

DL - all sworn in

- EXHIBIT 1 – AAB1-32

- TH - on May 14, 2012, received email from FC, relative to the lease for the space
- proposing to amend the lease language relative to the lift
- DL - accept the email from May 14, 2012 as EXHIBIT 3
- FC - tenant is required to test the lift every day, provided that the maintenance of the lift falls under the owner of the building
- DH - this language was added at the request of MM
- MM - did not meet the burden of proof, did not meet the impracticability requirement; neither tech. infeasible, nor exc. cost without benefit to persons with disabilities
- the lift has often not been operable
- have received complaints since the lift was installed in 2009
- contacted Garaventa Lift, this lift requires constant pressure for 15 seconds
- individual at Garaventa Lift stated that the lift probably would need to be serviced
- visited the site within the past couple of weeks, with several of the people present from Citizens Bank
- central square branch of Citizens Bank also has history of lack of maintenance of a lift at that location (many years ago).
- history of noncompliance with access requirements
- not practicing proper diligence in terms of accessibility requirements
- existing elevator within the building that goes to the basement, however that elevator has been configured to not go to the basement
- not proposed to access the basement, since the elevator would end up in someone's office
- even though the variance application requires all construction to be listed over the past 3 years; a large amount of spending not included in this variance application; again demonstrates the lack of attention to the accessibility requirements and attention to access details
- would like to see a second means of access into the bank, preferably a ramp
- would reluctantly agree to a second lift being installed, to allow two means of access into the bank
- there is substantial benefit to a reliable means of access into the bank
- DL - a number of variances granted, however the focus of the request for the hearing is based on the installation of a lift
- WW - issued the variance and now being asked to reexamine this matter
- TH - Notice of Action sent out, people that disagree with the ruling of the Board have 30 days to appeal the decision to a hearing before the Board
- the specific objection is to the use of a lift at the entrance
- MB - checking it every day may not mean that it works
- could check and know it's broken
- RB - was told by Garaventa that the 15 second delay is part of the operation
- only one time that it has been in mechanical dysfunction
- put the sign in it to make it known that there is a delay
- building was built in the early 1970's
- stairs going up to the main lobby, and then stairs going down to the lower lobby
- put the lift at street level to accommodate the raised level and the lower level
- main elevator does not go to lower level, and never been asked to go to the lower level

- lift accesses the upper and lower level
 - there are retail spaces at the first floor
 - key access put in and now proposing to remove the key access when the building is closed
- MB
- locking in the lift when the building is closed is ok, it's during the hours of operation that the lift needs to be unlocked and operational
 - holding the button for 15 seconds is not an option for a lot of people that will be using this lift
 - 15 seconds is a long time
 - the two different ramp drawings (AAB18)
 - the one at the primary entrance looks feasible, the other does not
 - what about putting a ramp that only has 36" clear width between the handrails, and adjusting the depth of the two offices adjacent to the ram
- FC
- did try to focus on the left hand ramp, which seemed to make the most sense, since it is out of the way; since the other options goes out into the ramp
 - there are 3 steps off the sidewalk, that create limited headroom
- MB
- would still need to use lift if ramp installed
- FC
- 56 inch change in level
 - would lose some of the above space, still need to use 56 feet of ramp
- JB
- if put ramp at one of these entrances other than proposed would have to significantly renovate the floor above to create the required headroom
- FC
- the lift is notched out so that there is no headroom issue
- RG
- the lift would still need to be used to get up to the main lobby level
- DL
- pictures on AAB17, show the existing conditions of the two other entrances, showing that the ramp would be a technological infeasibility
 - the 15 seconds would be difficult; interlock system prevents the lift from traveling when the doors are both shut
 - don't understand the 15 seconds to get into the lift; the lift won't operate until the doors are closed
- TH
- toggle switches are required by the elevator board; constant pressure
- RG
- can get back to Garaventa to try to change the timing
- DL
- any research into installing a LULA instead of vertical wheelchair lift
- TH
- issue would be enlarging the shaft for the installation of a LULA
- JBr
- ATMs/IDMs at the exterior of the space, as well as a night drop box
 - based on the site of the property around the building, had to do some structural work to fit in the machines at the exteriors
- DL
- EXHIBIT 2, plan view

(TAPE)

- AB - what about exploring a LULA, do you think it would structurally be a possibility
- JBr - investigated the whole perimeter, the location of the ATM; ATM is under an overhang
- MB - the ATM at the exterior, everyone uses the exterior atm when the bank is closed, but if the lift is broken, people requiring the use of the lift don't have the option to go into the bank to use the bank features
- WW - want to stay on track to deal with the matter at hand
- FC - did cite the ATM issue in hearing request
- MM - yes, did demonstrate an overall lack of access issues, and ATM is one of those issues
 - also issues with having to take the lift to the main floor to get to the elevator at the main lobby; the plans submitted show that the elevator does go to the basement but currently does not operate to the basement level, and by creating a private office for the bank directly adjacent to this existing elevator, making the potential use of the elevator from the basement level throughout the building not plausible once the office is constructed
- JB - no matter where the ramp goes, still have to take apart the second floor of the building to provide the required headroom
 - this would result in a loss of space for the second floor existing tenants
- MB - are there stairs that connect all of the levels of the building
- RG - no lobby within the bank space to access the upper level lobby
 - the elevator has never been operated down to the lower level
 - everyone that wants to access the upper levels has to leave the bank and then access the main level lobby
- DL - issue with the outdoor atms, versus the ability to get into the bank if you do not need wheelchair access to use the interior atm
 - look into creating accessible interior atm, and upgrading to a LULA
- CS - 4.9 of lease, other than tenant will test the lift, and it is the responsibility of the owner to fix the lift
 - nothing about timeline required
- RG - difference between LULA and the lift?
 TH - cab size, but also miniature elevator
- RG - looked at every conceivable way to make the project work
 - the work affects the staircase, the space above; very limited space to install new equipment, the building is very limited in space
 - the space has been vacant for 5 years
 - put in two separate entrances; put in stairs and lift
 - bank is the only tenant available now
 - not trying to shirk requirements
- MM - testimony about Central Square Bank is unrebutted; fact of the matter remains that they, in my experience, don't seem to care about access

- FC - once you move the ATM, another headroom issue
- MM - all the features are there for the elevator to operate at the basement level; point is that once in the bank, if you want to go to the other floors within the building; would have to use the lift again, to access the lobby elevator
- DL - able-bodied people have to use the exterior stairs to access the main building lobby; inconvenient for everyone
- CS - *continue to have the petitioners submit more information regarding the installation of a LULA; submitted by June 1, 2012*
- GL - *second – carries*
- MB - no access to the ATM interior lobby, even if the lift is operating and in working order
- FC - after hours, the interior ATM will be closed
- there are 2 exterior ATMs that are available 24 hours
- MM - new construction of ATM lobby, with steps; object to the idea to allow them to go ahead with the construction of an inaccessible ATM lobby
- DH - the interior ATM is meant to handle overflow during business hours
- CS - *explore making ATMs at the interior accessible; submitted by June 1, 2012*
- MB - *second – carries with WW opposed*
- MB - *expedite*
- MT - *second – carries*

25) Hearing: Delucas Market, 7-17 Charles Street, Boston (V11-232)

- DL - called to order at 2:20 p.m.; scheduled for 2 p.m.
- introduce the Board

Robert Aiello, Owner (RA)

Virgil Aiello, Owner (VA)

- DL - both sworn in
- EXHIBIT 1 – AAB1-45
- TH - May 18, 2012 received additional packet from VA
- plans and some additional figures
- one additional variance request, for public toilet room with noncompliant dimensions
- DL - submittal of packet is EXHIBIT 2
- TH - appealing decision about the lack of special events, i.e. wine tastings in the basement
- also now proposing seating at the first floor, with the proposed public toilet room
- received affidavit conceding to the spending on the project being over 30% of the value of the space

- DL - two plans within the packet, are they the same plans?
VA - yes
- VA - market has been in the family and on Beacon Hill for 100 years
- proposing bathroom of 5' x 7', instead of 7' by 9'
- DL - wine tasting events, what are the accommodations?
VA - can set up tables upstairs for wine tastings
- have always had wine tastings, and always accommodate a table at the first floor
- always allow tastings at the first floor if requested
- wine tastings from 5-7 on Fridays, goes back to 2003 ads; also held on other doors
- also matter of space, can't do larger wine tasting at the first floor because of space constraints
- CS - any plan of the basement?
VA - no, just first floor
- DL - where are the stairs to the wine cellar?
VA - by the produce section, near the front of the store
- DL - where would the first floor tastings be held?
VA - new configuration, but previously held by the coffee bar or back by the deli area
- MB - would you be able to advertise that the tastings are available at the first floor as well
VA - yes, would be more than happy to
- AB - even though toilet room is undersized, looks like it would work
- CS - would be more comfortable with a designated space at the first floor
- proposing private events?
- VA - anything held at the basement level will be held at the first floor as well
- wine tastings every day of the week
- wine barrel set up at the basement level with a couple of wines on the barrel, no chairs
- CS - would just set up a similar station at the first floor?
VA - yes, most likely will be by the coffee bar
- CS - would a station be setup upstairs as well on a regular basis?
VA - not in the past, but have it available for someone to request a tasting at the first floor
- RG - if they are agreeing to publicize events at both levels, then not an issue with variance request
- MB - rescind the portion of the previous decision about no wine tastings, events, parties provided at the basement level wine cellar (number 2 of conditions in notice of action); on the condition that advertising notes that wine tastings and other events held at both levels, and submittal of plan showing where the wine tastings will be held at the first floor*
- GL - second – carries*
- DL - proposing 61" by 84"
AB - 17" sink
GL - flush is on the wrong side

RA - cinderblock walls adjacent

TH - may need a plumbing board variance for use of unisex
DL - okay with the plumbing board because of count

VA - can make the toilet room 6 inches longer

CS - *grant the toilet room dimensions, on the condition that the inside finished dimensions are 7'6" x 5'1" with the door swinging out*
MT - *second – carries*

MB - *grant relief for the location of the unisex accessible toilet room (30.2), on the condition that there is signage at the inaccessible toilet rooms, directing to the accessible toilet room and accessible route to the accessible toilet room*
WW - *second – carries*

MB - height of the tables and design of the tables
- need to have some accessible tables provided per 521 CMR 17

DL - also on seating plan, need to have 60 inches of clear space in front of the landing at the door; looks like there is less than 5 feet from the landing
- bathroom drawing, 3'6" grab bars are all that is required, don't need 4'6" grab bars

26) Hearing: Wayne Apartments, Multiple Locations, Dorchester, Roxbury, Mattapan (V12-102)

DL - called to order at 3:00 p.m.
- introduce the Board

Scott Maenpaa, The Architectural Team (SM)
Daniel Cruz, Jr., Cruz Development Corp (DC)
Anthony Viviritto, The Architectural Team (AV)
John Cruz III, Cruz Development (JC)
Rodney DeLeaver, Cruz Management Corp. (RD)

DL - all sworn in
- EXHIBIT 1 – AAB1-74

TH - May 9, 2012 letter from BCIL, and CAPS
DL - accept EXHIBIT 2, since was not part of the Board Packet

TH - also have handouts for the hearing, of plans and drawings
DL - accept as EXHIBIT 3

AV - look at EXHIBIT 3, turn to 4 pages in, summary and designation
- 5 different phases of the work
- first two phases were funded by DHCD
- a total of 26 sites, 55 buildings, 349 units
- total number of accessible units are 4 1BR and 14 2BR, currently no 3,4, or 5 BR accessible units, or studio units
- 1439-1443 Blue Hill Ave & 1471-1451 Blue Hill Ave, no accessible units in Phase 1

- Phase 2, Franklin Hill Ave sites; 14 units designated accessible; 30-38 Franklin Hill, 4 accessible units;
- DC - Phase 1, Mattapan; Phase 2, Dorchester; Phase 3, Dorchester and Mattapan; Phase 4, Dorchester, Mattapan & Roxbury; Phase 5, Dorchester and Roxbury
- AV - Phase 2, 40-50 Franklin Hill, 5 accessible units; 52-58 Franklin Hill, 5 accessible units
 - no off-street parking provided other than the accessible parking spaces provided for the accessible units at Franklin Hill units
 - no accessible units in Phase 3
 - 2 accessible units in Phase 4; and 2 accessible units in Phase 5
- AV - seeking variances for 9.4, Group 2 units, specifically applies to Phase 1, due to site and feasibility constraints
 - multi-phased project, 5% applied to entire portfolio, not per phase; there are only two properties that will not have any accessible units (9.4.1)
 - 9.4.2, distribution of units; of the 18 accessible units that are proposed, only 1 & 2BR proposed to be accessible; due to site restrictions, cannot provide the 3,4, or 5 bedroom accessible units
 - 10.1, public use and common use areas, given the age of the buildings and locations; all of the buildings are walkups
- AV - 1439 Blue Hill Ave, inaccessible portion of part of the ramp, 5 feet of ramp available at the sidewalk, but then would require a lift at the interior, which would encroach on the existing units; approximate construction cost provided
 - don't know where main utilities come into the building; 5 foot change in level overall
 - lift would cost approximately \$40,000.00, ramp would cost \$20-25,000.00
 - 1447 Blue Hill Ave., inaccessible side alley portion of the ramp, plus encroachment of the lift from the lobby to the first floor
- WW - why a complex, as defined by AAB
 - JC - bought 25 years ago, affordable housing, needing to phase the work do to funding
- AV - seeking variance for the phased work; only 2 properties with 20 or more units
 - existing infrastructure in place, if did 5% per building, would get less accessible units
 - also provided transportation chart, bus stops near all the accessible unit locations
 - AAB32, gives an overall site plan showing all of the sites
- WW - 51 units are 3,4, or 5 BR units
 - any provisions for people that are seeking 3-5 BR units
- AV - 217-219 Columbia Ave; 4 bedroom unit is at the second level; ramp would encroach on the City sidewalk, and then would require lift up to second floor
- WW - are there other units available that are accessible at other units
- DC - there are other 11 complexes; generally find that there are generally 1-3 BR requests; can try to be accommodated within the portfolio of units available; can be put on wait list for 3BR units, or referred to Mass Housing
- MB - the units are currently there?
 - AV - yes, just building "facelift" to the existing buildings
 - not changing the number of accessible units that are provided

- seeking to maintain what exists
- no 4/5 units?
- DC - no no 4/5 units
- all pricing is 30% of income
- accessible units in all portions of the city that we represent
- JC - yes in all 3 of the communities
- also have townhouse structures with elevators within them

- MT - building permits now for Phase 1 and 2?
- AV - no, only for Phase 1
- JC - proposing to start Phase 2 in October
- commitment for bond funding for Phase 3, but not yet tax credits

- MT - overall construction schedule?
- AV - dependent on DHCD funding
- JC - every 6 months, around another 70 units

- DC - Phase 1, 12 months; done in 2 phases, since the buildings are occupied; have to relocate the families
- one month to relocate, and 5 months for work for each building
- Phase 2 is the same amount of time, always have half the families off site; then move back to the units

- MB - what about the accessible units; when those families need to be relocated
- DC - typically can relocate those families easily

- CS - Phase 1 completed?
- AV - no hasn't started
- DC - about 3 months between the Phases
- have to be under construction prior to July 1; Phase 2 will be done in the 2012 calendar year

- JC - same owners of the properties

- MB - in order to comply have to encroach on land that they do not own

- CS - all have stairs, then more stairs
- AV - yes, there are

- SM - not just a lift, also have to put in footings and it encroaches about 3-4 feet

- RD - 7 foot basement under 1439 Blue Hill Ave., some of the other Blue Hill Ave units have 9 ft basement

- CS - how long is the waiting list for 3BR units

- JC - given money under historic tax credit as well, and the ramp would change the historic quality

- DC - one of the issues have had to put families in accessible units that do not need accessible units, have tried to get families to occupy the accessible units, but couldn't have them be vacant for more than 3-4 months
- inner cities, some people are not as comfortable with being in these neighborhoods; find that even though there are other parts of the city where people are waiting for these types of units, but they may not want these units in these neighborhoods

- in the process of confirming the 6-8 families on the list that are waiting for accessible units; can't leave the units vacant for too long, but would prefer not to put families in the accessible units that don't require the accessible features

DL - they have the number of the units required; just need distribution and common use space variances

AV - the reason that they are asking for relief from 9.4, is because it is phased work;

CS - maximum amount of time?

DC - maximum of 5 years, being optimistic

CS - *grant variance to 9.4*

MT - *second – carries*

MB - *grant the variance to 9.4.2 regarding the distribution of the accessible units; based on technological infeasibility and the condition that there are other units in other locations that are made available by Wayne Apartments and referrals*

WW - *second - carries with CS opposed*

MB - *grant the variance to 10.1, for the properties in question, based on technological infeasible*

AV - *previous due diligence, have provided street level intercom systems for communication*

GL - *second – carries with CS opposed*

NO MORE GL

27) Hearing: Moozy Emporium, Trapelo Rd., Belmont

WW - *reopen*

MB - *second – carries*

RG - plan shows the door swinging in, door swings out on the plan; egress door
- would like to see auto-opener

DL - if we accepted the plan, then the door should swing

RG - *require auto-opener, and door should swing in as shown on the plan*

CS - *second - carries*

28) Discussion: Exchange Hall, 2 School St., Acton (V11-110)

TH - submittal from the Owner

- email from the disability commission and building department

- big ticket item is the installation of the LULA, seeking 9 months

MB - *grant the variance for the installation of a compliant LULA, 9 months, to be installed and inspected and ready for use, by March 1, 2013; status reports every 3 months, starting August 15, 2012, November 15, 2012; within those status reports, copy of contract for the LULA installation and deposit check*

AB - *second – carries*

MB - order a site visit conducted by the staff

MT - second – carries

29) Discussion: Dreamland Theater, 17 South St., Nantucket (V12-057)

TH - submittal from the Petitioners

MB - based on the submitted document, it is safety issue
- when there is a fire and two people are lined up there, the person in the front could be pushed off the landing
- can't they bring the platform forward more

TH - may run afoul of the Ch. 91 requirements, if the landing and stairs are extended

MB - cannot in good conscious accept this design as a board for the department of public safety

CS - what about the contractor error and going after the contractor to correct the error

MB - deny the use of the emergency egress as designed; therefore there is not a compliant accessible emergency egress; therefore allow the issuance of a temporary CO until December 1, 2012. On December 2, 2012, without the completion of an appropriate compliant emergency egress, approved by the Board, the building will be closed.

AB - second – carries with MT and WW opposed

MB - modify the previous decision to September 1, 2012, on September 2, 2012, without the completion of an appropriate compliant emergency egress, approved by the Board, the building will be closed
AB - second – carries with MT and WW opposed

CS - add this decision to the other decision and expedite

RG - second – carries with MT and WW opposed

TH - remind them about the temporary stairs issue, need to either confirm and apply for variance or say that they won't be using temporary stairs

MB - no temporary stairs to the stage from within the auditorium, because they did not provide the information requested previously ordered by the Board

AB - second – carries

30) Discussion: Exchange Hall, 2 School St., Acton – Cont'd

CS - cannot be used by the public, until plan for compliance is given to the Board and approved

MB - second - carries

31) Discussion: Fogo de Chao Churrascaria, 10 Huntington Ave., Boston (V12-074)

TH - submittal of lift information and route plans
- no narrative of what is requested

DL - would like to see more detail of the entrance proposal

AB - accept the proposed location in the submitted plans, but request additional information, detailed drawings, plans, sections and elevations, to understand the installation that is proposed; need better understanding of quality of equipment, larger scale stamped drawings
MB - second – carries

CS - add to the original decision and expedite
AB - second – carries

32) Discussion: Southeast Regional Tech HS, 250 Foundry St., South Easton (V11-233)

TH - submittal from the petitioners
- showing field access routes

CS - accept the plan, until a permanent solution is decided upon, with accepted plan implanted by September 1, 2012 at the latest
WW - second – carries with MB opposed and MT abstaining

33) Discussion: Meeting Minutes and Decisions form 05/07/12

AB - accept as amended
MT - second – carries with CS and MB abstaining

- End of Meeting -